

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOAN L. DEMAR,

No. C07-04670 MJJ

Plaintiff,

**ORDER DENYING REQUEST TO
PROCEED IN FORMA PAUPERIS**

v.

KAISER PERMANENTE,

Defendant.

Plaintiff Joan Demar (“Plaintiff”) requests leave to proceed *in forma pauperis*. Because Plaintiff’s affidavit does not indicate (1) the present balance of her bank account and (2) how much cash she currently has, this Court **DENIES** Plaintiff’s request **WITH LEAVE TO AMEND**.

This Court has authority to “authorize the commencement . . . of any suit . . . without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor.” 28 U.S.C. § 1915(a). The applicant must submit an affidavit that the plaintiff is unable to pay court fees. *Id.*

A court must dismiss the complaint of a plaintiff proceeding *in forma pauperis* if at any time the court determines that the action is frivolous, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). The plaintiff must also demonstrate that the Court has jurisdiction over the action.

Plaintiff fails to demonstrate that she is unable to pay court fees. In her affidavit, Plaintiff

1 states that she has a Washington Mutual bank account. (Plf.'s Appn. to Proceed *In Forma Pauperis*
2 ¶ 7.) However, she fails to state the present balance of that account. (*See id.*) Furthermore, Plaintiff
3 indicates that she has cash but does not state the amount of cash she currently holds. (*Id.*)

4 Accordingly, the Court **DENIES** Plaintiff's request to proceed *in forma pauperis* **WITH**
5 **LEAVE TO AMEND**. Plaintiff has fifteen (15) days to file an amended Application to Proceed *In*
6 *Forma Pauperis*.

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9 **IT IS SO ORDERED.**

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12 Dated: October 5, 2007


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE